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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Jayde Pugas

(Name of the plaintiff or plaintiffs)

v.

Rest Haven Christian Services

(Name of the defendant or defendants)

08CV3245

JUDGE CASTILLO
MAGISTRATE JUDGE COX

NO. _____

RECEIVED

Jun 05 2008

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Jayde Pugas of the
county of COOK in the state of ILLINOIS.
3. The defendant is Rest Haven Christian Services, whose
street address is PO Box 66744,
(city) St. Louis (county) _____ (state) MO (ZIP) 63166-6744
(Defendant's telephone number) (708)-597-1000 or (708) 239-4937
4. The plaintiff sought employment or was employed by the defendant at (street address)
13259 S. Central Avenue (city) Palos, Heights
(county) COOK (state) IL (ZIP code) 60463
5. The plaintiff [check one box]
 - (a) ☐ was denied employment by the defendant.
 - (b) ☐ was hired and is still employed by the defendant.
 - (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
 (month) June, (day) 29, (year) 2006

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one
 box] ☒ has ~~not~~ ☐ has filed a charge or charges against the defendant
 asserting the acts of discrimination indicated in this complaint with any of the following government
 agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about
 (month) _____ (day) _____ (year) _____.

(ii) ☐ the Illinois Department of Human Rights, on or about
 (month) _____ (day) _____ (year) _____.

(b) If charges were filed with an agency indicated above, a copy of the charge is
 attached. ☐ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department
 of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason
 to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the
 defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) _____
 (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*
- (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.
- (b) ☐ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) _____ (day) _____ (year) _____ a copy of which *Notice* is attached to this complaint.
9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:
- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____
- _____
- _____
- _____
- _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I was hired on 4/5/04. I had 21 years
of experience and they were satisfied with
my work. On 6/5/05 after working a 16hr shift
2 days before and lifting p'ts I had a back sprain was
taken to St Francis hosp ER (please see attached
sheet)

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

16. **THEREFORE**, the plaintiff asks that the court grant the following relief to the plaintiff
 [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

13. The facts supporting the plaintiff's claim of discrimination are as follows.

(1) Hired on April 5, 2004 with 21 years of nursing experience. I was working without any complaints about performance until. I injured my back on June 5, 2005. I went to St Francis Hosp ER by ambulance. DR. Sent the bill to Rest Haven Central for payment. He felt the injury was work related.

(2) In July 2005 Human Resource Coordinator and Director of nursing called me into the office and wanted to know what happened and why did they receive the bill? I explained that the DR felt that my injury was work related and he sent them the bill. Joanne stated she would forward the bill to Workmen's Compensation for payment.

(3) On September 21, 2005 my claim for workman's compensation was denied.

(4) I hired an attorney MR. George Gaines and he filed a complaint with the industrial commission on december 5, 2005.

(5) on 1/23/06 I received my first warning stating that I gave the wrong meds to a patient. and that my work was not completed. no evidence of wrong conduct was proven.

(6) on 4/11/06 I received my second warning for allowing a Sister of a resident to give her meds. This is standard procedure for a pt with dementia they usually don't trust strangers. All medications were properly checked by me. crushed and placed into a spoonful of pudding. Sister only gave the pudding with her meal. There was no wrong conduct again.

(7) on 6/5/06 I ~~received~~ received my final warning for not replacing a pt's foley catheter and was charged with negligent of a pt. The patient's catheter came out on the end of my shift. I went to the basement gathered supplies, gave report to the night nurse to replace because agency policy is you must punch out by the end of your shift. you have only 7 minutes. I went on vacation the next day. The patient's catheter remained out for the next ~~24~~ 32 hours. Although I identified the pt's needs and ~~the~~ although 3 other nurses had let it go. I

71 Beverly Stob director of nursing felt that I was the most to blame. I was not notified that I was terminated until 6/29/06 when I called and asked for a work assignment. There was no communication with me by telephone or mail. I also have an answering machine.

81 After termination company continued to fight against me to prevent me from receiving ~~unemployment~~ ^{unemployment} ~~workers compensation~~ ^{benefits}. I fought back and appealed all the way up to the Circuit Court where it was finally decided that the company didn't have proof of misconduct on my part. It took almost 1 year

I have been financially devastated by their actions. I wasn't able to find other employment until 3 months after termination. Please help me receive a fair treatment. I have been hard working and dedicated to nursing for 25 years proudly!

Thank you!

(f) ☒ Direct the defendant to (specify): To repay for any
financial losses that occurred due to ter
mination

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

(Plaintiff's street address)

(City) Chicago (State) IL (ZIP) 60643

(Plaintiff's telephone number) (713)-298-8502

Date: _____